

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 3, 2004 PLANNING COMMISSION MEETING

P.A.S.: Waiver #04003

PROPOSAL: Waive the requirement that street trees be planted within four years after the approval of the final plat. Applicant is requesting a four year extension. Reduce the surety amount for street trees associated with Highlands Business Park Original Addition.

LOCATION: NW 12th St. & W. Highland Blvd.

LAND AREA: 82.14 acres, more or less

CONCLUSION: Highlands Business Park Original Addition was approved by Planning Commission on June 19, 1996. The subdivision ordinance requires that street trees be planted within four years of the final plat approval.

Planting street trees on lots prior to development could result in the trees being destroyed or planted where a driveway may be located. The abutting Outlots are non buildable and when subdivided into buildable lots, street trees would be required at that time. Therefore, an extension of time for the installation of street trees is acceptable.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot A, Highlands Business Park Original Addition and Outlot A & B, Highlands Business Park 2nd Addition; located in the SW 1/4, Section 3, the SE 1/4 Section 4, the NE 1/4 of Section 9 and the NW 1/4 of Section 10, Township 10 North, Range 6 East of the 6th P.M., Lincoln, NE

EXISTING ZONING: O-3 Office Park District
I-2 Industrial Park District

EXISTING LAND USE: Industrial, office and undeveloped

SURROUNDING LAND USE AND ZONING:

| | |
|-----------------------|---------------------------|
| North: O-3 Office | Undeveloped |
| P- Public | Highlands Golf Course |
| South: I-2 Industrial | Warehouse |
| East: O-3 Office | Undeveloped |
| R-3 Residential | Single family residential |
| I-2 Industrial | Storage yard |
| West: AG Agriculture | Railroad tracks |
| I-2 Industrial | Warehouse/Manufacturing |

HISTORY:

June 16, 2003 Highlands Business Park 3rd Addition was approved by the Planning Director.

May 29, 2002 Highlands Business Park 2nd Addition was approved by the Planning Commission.

February 26, 1997 Highlands Business Park 1st Addition was approved by the Planning Director.

June 19, 1996 Highlands Business Park Original Addition was approved by the Planning Commission.

November 6, 1995 Highlands Business Park Preliminary Plat was approved by City Council.

ANALYSIS:

1. This is a request to extend the time for installing street trees by four years.
2. Section 26.27.090 of the Land Subdivision ordinance requires that street trees be planted along both sides of all streets and private roadways within the subdivision and on the side of the streets and private roadways which abut the subdivision.
3. Section 26.11.040 of the Land Subdivision Ordinance requires that street trees be installed within four years of final plat approval.
4. The original final plat was approved on June 19, 1996. The streets trees were required to be planted along S.W. 12th St. and Kingbird Rd. by June 19, 2000. The developer has already exceeded the required time for installation by almost four years.

5. Highlands Business Park 1st Addition is a subdivision of Outlot B, Highlands Business Park Original Addition. With the new plat the time for installing street trees along NW 12th St. and the north side of Kingbird Road was extended to February 26, 2001; four years after approval of Highlands Business Park 1st Addition. The street trees associated with Highlands Business Park 1st Addition have been planted.
6. A surety of \$11,147.50 was posted to guarantee the installation of street trees with Highlands Business Park Original Addition. The original final plat has been subdivided three times. Highlands Business Park 1st Addition posted a surety of \$4,742.50 for street trees and Highlands Business Park 3rd Addition posted a surety of \$1,540.00 for street trees. No surety was required for Highlands Business Park 2nd Addition.
7. The applicant has requested that the surety be reduced from \$11,147.50 to \$5,915.00. The Planning Department does not object to reducing the surety because of the area having been replatted and duplicate sureties; however the amount should be changed from \$5,915.00 to \$4,865.00. ($\$11,147.50 \text{ minus } \$4,742.50 \text{ minus } \$1,540.00 = \$4,865.00$)
8. The lots abutting N.W. 12th St. and Kingbird Rd. that do not have street trees are platted as outlots. The outlots have been reserved for future development.
9. Direct access to SW 12th Street from the abutting outlots has been relinquished. Although this alleviates the problem of planting street trees where future driveways may be located, it may present a potential problem of maintenance of the street trees.

Prepared by:

Tom Cajka, 441-5662, tcajka@ci.lincoln.ne.us
Planner

DATE: February 18, 2004

APPLICANT: Timothy Aschoff
130-132 South 13th St. Suite 300
Lincoln, NE 68501

OWNER: Tonn Ostergard & Robert Duncan
130-132 South 13th St. Suite 300
Lincoln, NE 68501

CONTACT: Michael Johnson
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508



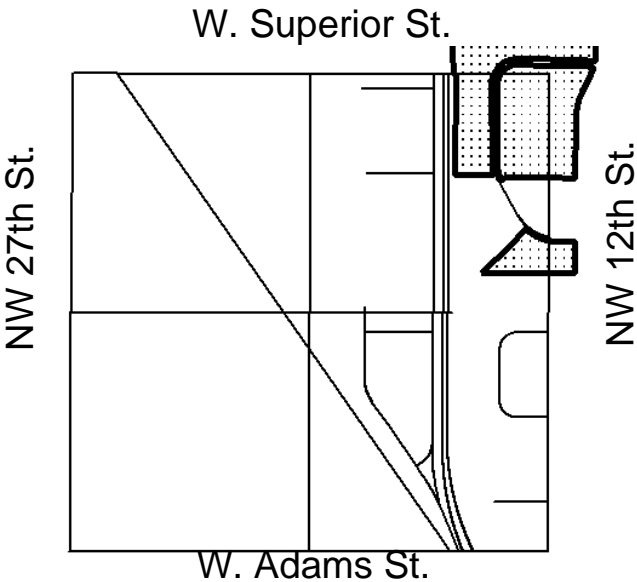
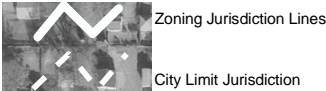
2002 aerial

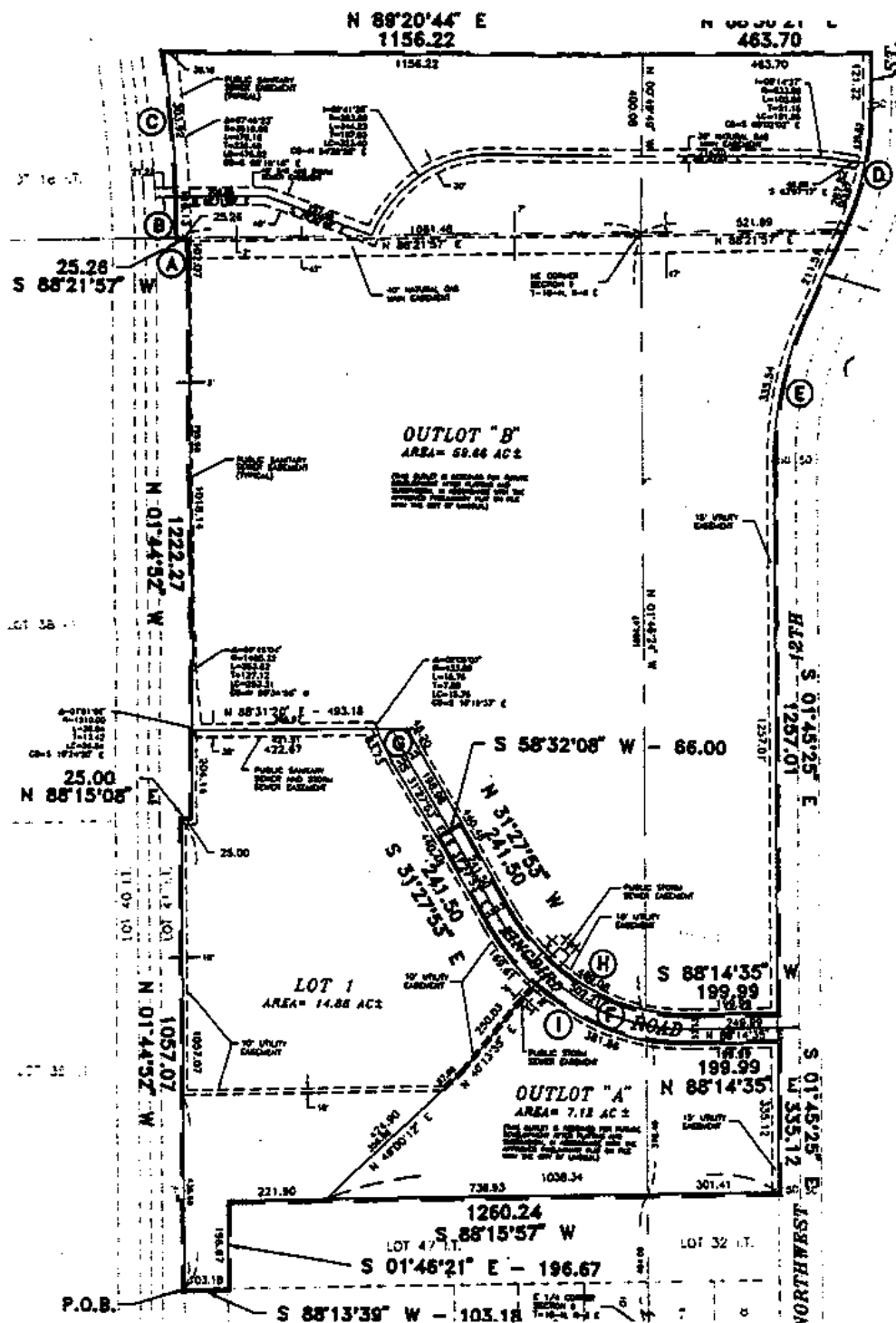
Waiver #04003 **NW 12th & Kingbird Rd.**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 9 T10N R6E



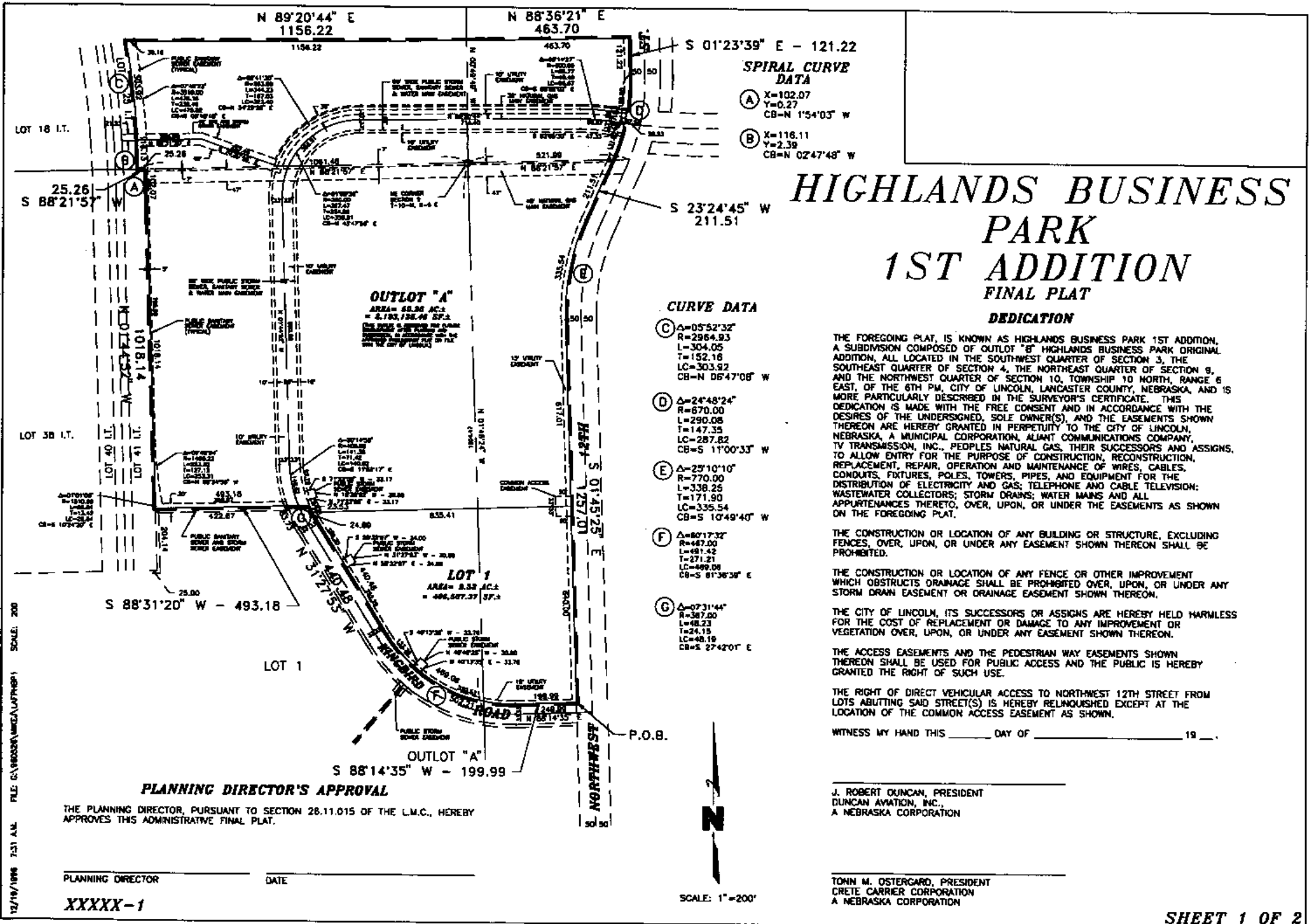


FINAL PLAT NO. 96020
HIGHLANDS BUSINESS PARK ORIGINAL ADDITION

Scale: N.T.S.



12/16/1996 7:31 A.M. FILE C:\980301\MEGA\UPH081 SCALE: 200



HIGHLANDS BUSINESS PARK 1ST ADDITION FINAL PLAT

DEDICATION

THE FOREGOING PLAT, IS KNOWN AS HIGHLANDS BUSINESS PARK 1ST ADDITION, A SUBDIVISION COMPOSED OF OUTLOT "B" HIGHLANDS BUSINESS PARK ORIGINAL ADDITION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, THE SOUTHEAST QUARTER OF SECTION 4, THE NORTHEAST QUARTER OF SECTION 9, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6TH PM, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND IS MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE. THIS DEDICATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED, SOLE OWNER(S), AND THE EASEMENTS SHOWN THEREON ARE HEREBY GRANTED IN PERPETUITY TO THE CITY OF LINCOLN, NEBRASKA, A MUNICIPAL CORPORATION, ALIANT COMMUNICATIONS COMPANY, TV TRANSMISSION, INC., PEOPLES NATURAL GAS, THEIR SUCCESSORS AND ASSIGNS, TO ALLOW ENTRY FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, REPAIR, OPERATION AND MAINTENANCE OF WIRES, CABLES, CONDUITS, FIXTURES, POLES, TOWERS, PIPES, AND EQUIPMENT FOR THE DISTRIBUTION OF ELECTRICITY AND GAS; TELEPHONE AND CABLE TELEVISION; WASTEWATER COLLECTORS; STORM DRAINS; WATER MAINS AND ALL APPURTENANCES THERETO, OVER, UPON, OR UNDER THE EASEMENTS AS SHOWN ON THE FOREGOING PLAT.

THE CONSTRUCTION OR LOCATION OF ANY BUILDING OR STRUCTURE, EXCLUDING FENCES, OVER, UPON, OR UNDER ANY EASEMENT SHOWN THEREON SHALL BE PROHIBITED.

THE CONSTRUCTION OR LOCATION OF ANY FENCE OR OTHER IMPROVEMENT WHICH OBSTRUCTS DRAINAGE SHALL BE PROHIBITED OVER, UPON, OR UNDER ANY STORM DRAIN EASEMENT OR DRAINAGE EASEMENT SHOWN THEREON.

THE CITY OF LINCOLN, ITS SUCCESSORS OR ASSIGNS ARE HEREBY HELD HARMLESS FOR THE COST OF REPLACEMENT OR DAMAGE TO ANY IMPROVEMENT OR VEGETATION OVER, UPON, OR UNDER ANY EASEMENT SHOWN THEREON.

THE ACCESS EASEMENTS AND THE PEDESTRIAN WAY EASEMENTS SHOWN THEREON SHALL BE USED FOR PUBLIC ACCESS AND THE PUBLIC IS HEREBY GRANTED THE RIGHT OF SUCH USE.

THE RIGHT OF DIRECT VEHICULAR ACCESS TO NORTHWEST 12TH STREET FROM LOTS ABUTTING SAID STREET(S) IS HEREBY RELINQUISHED EXCEPT AT THE LOCATION OF THE COMMON ACCESS EASEMENT AS SHOWN.

WITNESS MY HAND THIS _____ DAY OF _____ 19__.

J. ROBERT DUNCAN, PRESIDENT
DUNCAN AVIATION, INC.,
A NEBRASKA CORPORATION

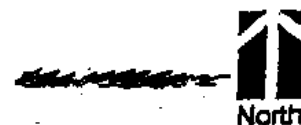
TOM M. OSTERGARD, PRESIDENT
CRETE CARRIER CORPORATION
A NEBRASKA CORPORATION

PLANNING DIRECTOR'S APPROVAL
THE PLANNING DIRECTOR, PURSUANT TO SECTION 28.11.015 OF THE L.M.C., HEREBY APPROVES THIS ADMINISTRATIVE FINAL PLAT.

PLANNING DIRECTOR _____ DATE _____

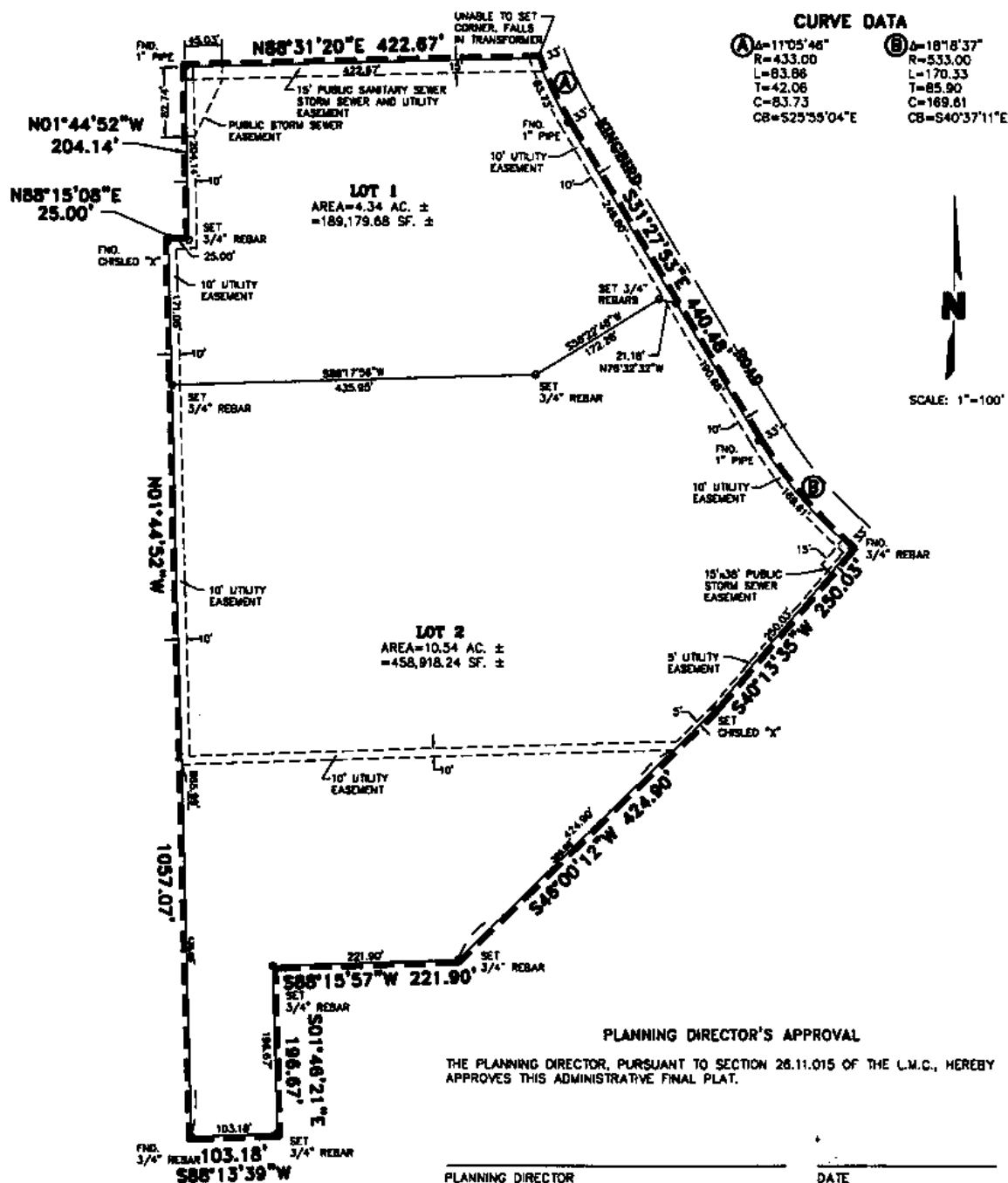
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SCALE: 1"=200'



HIGHLANDS BUSINESS PARK 3RD ADDITION

ADMINISTRATIVE FINAL PLAT



Memorandum

| | |
|-----------------|--|
| To: | Tom Cajka, Planning Department |
| From: | Charles W. Baker, Public Works and Utilities |
| Subject: | Street Tree Waiver, Application #04003 |
| Date: | February 4, 2004 |
| cc: | Randy Hoskins |
| | |

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application to waive the street tree requirement for Highland Business Park. Public Works has no comment.



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

January 28, 2004

Mr. Marvin S. Krout
Planning Director
Planning Department
County-City Building
555 South 10th Street
Lincoln, Nebraska 68508

Re: Highlands Business Park Original Addition
Final Plat Escrows Waiver
OA Project No. 2-2004-0130-1-11-502

Dear Marvin:

On behalf of Mr. Robert Duncan, President of Duncan Aviation, Inc., suite 300, 130-132 South 13th Street, P.O. Box 83246, Lincoln, Ne 68501, and Mr. Tonn Ostergard, President of Crete Carrier Corporation, suite 300, 130-132 South 13th Street, P.O. Box 83246, Lincoln, Ne 68501. I hereby request a waiver to the Subdivision Ordinance and Development Standards requiring that Street Trees be planted within four (4) years following the approval of the Final Plat. We request a four (4) year extension, starting from the date of Governmental approval of this request. We also request that the bond amount be reduced from \$11,147.50 to \$5,915.00.

The reason for these requests is that this property has been re-platted twice since the original addition (1st addition and 3rd addition), two additional lots have been created, and all three lots have been sold. All fourteen (14) of the trees required for the north and east sides of King Bird Road have been planted, seven (7) of the trees required for the west and south sides of King Bird Road have been re-escrowed in the final plat for 3rd addition, this leaves seven (7) trees to be planted or bonded for a total of \$1,715.00. Along the west side of Northwest 12th Street, five (5) of the required twenty one (21) trees have been planted, this leaves sixteen (16) trees to be planted or bonded for a total of \$4,200.00. The trees that have not been planted or re-escrowed to another addition are located on Outlots reserved for future development, we plan to plant the remaining trees once the Lots have been re-platted to build-able Lots.

Enclosed is the completed City of Lincoln Zoning Application form and a check in the amount of \$125.00 for the Application fee. Please contact me if you have any questions or require additional information.

Sincerely,


Michael R. Johnson, R.L.S.

Encls.

cc: Robert Duncan Tonn Ostergard Timothy Aschoff Nina Veinovich

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